

EXHIBIT A

STATE OF INDIANA

COUNTY OF ALLEN

Allen Superior Court IN THE ALLEN SUPERIOR COURT

Civil Division - Courthouse
715 South Calhoun Street, Room 201
Fort Wayne, IN 46802
Telephone: (260) 449-3491
Case Number: _____

Clerk
Allen County, Indiana
JA

SEAN M. HEIMAN,

Plaintiff

AND/VS

SUMMONSGROTE AUTOMOTIVE, INC.

Defendant

TO: Grote Automotive, Inc.
c/o Highest Ranking Officer
1630 N. Coliseum Blvd.
Fort Wayne, IN 46805

You have been sued by the person(s) named above. The claim made against you is attached to this summons; please examine all pages carefully. The "X" marked below indicates the time limit you have to **FILE YOUR ANSWER**.

XX Certified Mail You or your attorney must file a written answer to the claim within **TWENTY-THREE (23) DAYS**, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

_____ Personal Service You or your attorney must file a written answer to the claim within **TWENTY-THREE (23) DAYS**, commencing the day after you receive this summons, or judgment may be entered against you as claimed.

Your answer is considered filed the day it is received in the office of the Clerk of the Allen Superior Court, Room 201, Allen County Courthouse, Fort Wayne, Indiana, 46802. The method you choose to deliver your answer to the Clerk's Office is up to you; however, you should be able to prove you filed the answer. If you wish to file a claim against another party associated with this case, you must state it in your written answer.

If you are required to appear, the date, time and location will be shown on an attached Notice of Hearing form. **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU.**

Dated: 10/16/2018

Lisbeth A. Borgmann JA

LISBETH A. BORGMANN
CLERK OF THE ALLEN CIRCUIT AND SUPERIOR COURTS

Christopher C. Myers (PLAINTIFF)
Attorney / Party Preparing Summons (Party Represented)

(Seal)

809 South Calhoun Street, Suite 400
Street Address

Fort Wayne, IN 46802
City, State Zip Code

(260) 424-0600 10043-02
Telephone Number Attorney Number

**MANNER OF SERVICE**

(To be completed by Party Preparing Summons)

SHERIFF shall serve this Summons as follows:

_____ personal service
_____ leaving a copy at dwelling or place of employment

OTHER manner of service:

XX attorney to serve
_____ private process server,
_____ other (describe in particular and note Trial Rule)

CLERK shall serve this Summons as follows:

_____ regular mail
_____ certified mail
_____ publication

I hereby certify, as indicated in the date issued field, that a copy of this document was sent to the named person(s) at the address(es) furnished, by registered/certified mail at Fort Wayne, Indiana, return receipt requested.

I hereby certify that service by registered/certified mail at Fort Wayne, Indiana, was attempted as required by law to the person and address stated on the return receipt attached; and that service ☐ was ☐ was not made, according to the information contained therein.

Date Issued: _____

Date Issued: _____

Clerk of the Allen Circuit and Superior Courts

Clerk of the Allen Circuit and Superior Courts

ADMISSION OF SERVICE

I received a copy of this Summons on this date _____ and at this location: _____

Signature of Party Relationship (if not within named person)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER

Enter the alphabetical letter in the space provided to indicate the type of service.

I served a copy of this Summons as specified: (_____)

READING / delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

(B) with the spouse, named:

(E) with a secretary, named:

(C) with a relative, named:

(F) with the attorney, named:

(D) at the residence, located at:

(H) with this person (other-specify):

(E) with the employer, named: _____

Specify name of person, work supervisor, place of business, or location where copy was left.

and (if applicable) by sending a copy of this document by first-class mail to the last known address of the within named person as indicated:

Last known address of person named in the document (or Change of Address)

I did not serve a copy of this Summons because: (_____)

- (I) The party was NOT FOUND / NO SUCH ADDRESS.
- (J) the document EXPIRED.
- (K) the party AVOIDED service.
- (L) the party REFUSED service.
- (M) the party was NO LONGER EMPLOYED at the address.
- (N) the document was RETURNED by the authority of the Plaintiff.
- (O) the party is DECEASED.
- (P) the party was UNKNOWN AT THAT ADDRESS.
- (Q) the party was on SICK LEAVE / LAY OFF.

- (R) the party was on VACATION.
- (S) the party was NOT FOUND / VACANT.
- (T) the party was NOT FOUND / MOVED.
- (U) the party was NOT FOUND IN THIS BAILIWICK.
- (V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN.
- (W) they are NO LONGER IN BUSINESS.
- (X) several attempts were made / UNABLE TO SERVE.
- (Y) of the following reason (OTHER-specify): _____

I AFFIRM, UNDER THE PENALTY OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date Served / Attempted

Time Served / Attempted

Signature of Sheriff of Allen County, Indiana (or other officer)

(Printed Name of Process Server)

By: _____
Signature of Process Server

STATE OF INDIANA

Allen Superior Court 3

IN THE ALLEN SUPERIOR COURT

Clerk

Allen County, Indiana

JA

COUNTY OF ALLEN

Civil Division - Courthouse

715 South Calhoun Street, Room 201

Fort Wayne, IN 46802

Telephone: (260) 449-3491

Case Number: _____

SEAN M. HEIMAN,

Plaintiff

AND/VS

SUMMONSGROTE AUTOMOTIVE, INC.

Defendant

TO: Grote Automotive, Inc.
 c/o Fred Grote (Registered Agent)
 5520 Autumn Woods Trail
 Fort Wayne, IN 46835

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Dated: 10/16/2018

Lisbeth A. Borgmann JA

LISBETH A. BORGMANN

CLERK OF THE ALLEN CIRCUIT AND SUPERIOR COURTS

Christopher C. Myers (PLAINTIFF)
 Attorney / Party Preparing Summons (Party Represented)

(Seal)

809 South Calhoun Street, Suite 400
 Street Address

Fort Wayne, IN 46802
 City, State

Zip Code

(260) 424-0600
 Telephone Number

10043-02
 Attorney Number

**MANNER OF SERVICE**

(To be completed by Party Preparing Summons)

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_____ personal service
 _____ leaving a copy at dwelling or place of employment

OTHER manner of service:

XX attorney to serve
 _____ private process server,
 _____ other (describe in particular and note Trial Rule)

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Date Issued: _____

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Clerk of the Allen Circuit and Superior Courts

Clerk of the Allen Circuit and Superior Courts

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READING / delivering a copy (A) to the within named party;

LEAVING A COPY for the within named party

- (B) with the spouse, named:
- (C) with a relative, named:
- (D) at the residence, located at:
- (E) with the employer, named: _____

- (E) with a secretary, named:
- (F) with the attorney, named:
- (H) with this person (other-specify): _____

Specify name of person, work supervisor, place of business, or location where copy was left.

and (if applicable) by sending a copy of this document by first-class mail to the last known address of the within named person as indicated:

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- (R) the party was on VACATION.
- (S) the party was NOT FOUND / VACANT.
- (T) the party was NOT FOUND / MOVED.
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Date Served / Attempted

Time Served / Attempted

Signature of Sheriff of Allen County, Indiana (or other officer)

(Printed Name of Process Server)

By: _____
Signature of Process Server

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

IN THE ALLEN SUPERIOR COURT

CAUSE NO.

SEAN M. HEIMAN,)
)
 Plaintiff,)
)
 v.)
)
GROTE AUTOMOTIVE, INC.,)
)
 Defendant.)

COMPLAINT

Plaintiff, Sean M. Heiman, alleges the following against Defendant as follows:

1. The Plaintiff is Sean M. Heiman, a male, who resides in Fort Wayne (Allen County), Indiana and who, on or about January 30, 2018 filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), Charge No. 470-2018-01415, a copy of which is attached hereto, made a part hereof and incorporated herein as Exhibit A.
2. The Defendant is Grote Automotive, Inc., a corporation doing business at 1630 North Coliseum Blvd., Fort Wayne, Indiana 46805. "Grote" is an 'employer' for purposes of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.* Grote's Registered Agent is Fred Grote 5520 Autumn Woods Trail, Fort Wayne, Indiana 46835.
3. The EEOC issued a Dismissal and Notice of Rights/Notice of Suit Rights on or about July 26, 2018, a copy of which is attached hereto and made a part hereof as Exhibit B. This Complaint has been filed within 90 days after receipt thereof.

4. Plaintiff contends that he was discriminated and discharged on account of his sex (male) and that he suffered a retaliatory discharge, based upon the facts and reasons set forth on Charge of Discrimination No. 470-2018-01415, attached hereto and a part hereof as Exhibit A.
5. Plaintiff has suffered further retaliatory treatment by Defendant and its employees in that they have repeatedly defamed him in social media and they have interfered with his prospective and current employment since he has left Grote Automotive. Defendant and its employees have accused Plaintiff of doing crimes (using and selling drugs) and have intentionally sought to have Plaintiff terminated by his prospective/current employer.
6. Plaintiff was owed wages of \$893.94 as a result of car sale transactions that he was owed as set forth in his Application for Wage Claim, which was attached to a letter to the Indiana Department of Labor, all pursuant to I.C. § 22-2-5-1, I.C. § 22-2-9-1 *et seq.* That letter and the Application for Wage Claim and car sale transactions in support of the wage claim are all set forth in Exhibit C, attached hereto and made a part hereof. Attached as Exhibit D is the Indiana Department of Labor letter dated March 16, 2018, authorizing our firm to pursue Plaintiff's wage claims.
7. As a direct and proximate result of the sex discrimination /sex harassment, and retaliatory discharge by Defendant, Plaintiff has lost his job and job-related benefits including income. Furthermore, he has suffered emotional distress, mental anguish, humiliation, embarrassment, inconvenience, and other damages and injuries. Plaintiff seeks backpay, front pay, and compensatory damages.

8. The actions of the Defendant were done in intentionally and in reckless disregard of Plaintiff's federally protected civil rights. Plaintiff requests punitive damages.
9. Pursuant to Indiana's statute I.C. § 22-2-5-1 and I.C. § 22-2-9-1, Plaintiff is seeking back wages in the amount of \$893.94, plus double that amount for liquidated damages, for a total of \$2,681.82, plus prejudgment interest, plus reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays for judgment against the Defendant, for backpay, front pay, compensatory damages, punitive damages, lost wages (plus treble damages and attorney's fees and costs pursuant to Indiana statute), and for all other just and proper relief under Title VII and the Wage Laws enacted by the state of Indiana.

JURY DEMAND

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

/s/ Christopher C. Myers
Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400
Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
Attorney for Plaintiff

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 470-2018-01415	
Equal Employment Opportunity Commission and EEOC <i>State or Local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) Sean M. Heiman		Home Phone (Incl. Area Code) (260) 615-3041	Date of Birth
Street Address 2030-D River Run Trail		City, State and ZIP Code Fort Wayne, IN 46825	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Grote Automotive, Inc.		No. Employees, Members 20+	Phone No. (Include Area Code) (260) 422-5000
Street Address 1630 North Coliseum Blvd.		City, State and ZIP Code Fort Wayne, IN 46805	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest: 03/2017 Latest: Present <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I. The Complainant Sean M. Heiman became employed at Respondent Grote Automotive, Inc., on or about January 10, 2017. Since about March 2017, Complainant has been subjected to a hostile work environment and has been discriminated against and harassed because of his sex (male). Complainant is expecting his first child through his girlfriend of six years, and he is being made fun of because of his affiliation with his girlfriend who is pregnant. A female co-employee would harass the Complainant demanding sex and would continuously text the Complainant about sex and demand sex. Complainant reported her but nothing was done. This girl, along with other employees at Respondent, kept up rumor about the Complainant getting her pregnant. Complainant was bothered so much that he obtained a Protective Order against the female employee. She would break into his car, and he had to get a Protective Order to protect himself. When Respondent found out about the Protective Order, Complainant was told that his job was in jeopardy. Respondent retaliated against the Complainant by stopping him from selling cars, and instead, making him do dishes, making him clean the bathroom, and making him do other chores which interfered with his ability to earn money and perform his job. Furthermore, Respondent's employees interfered with Complainant's ability to make money by unlawfully "splitting deals" on Complainant's customers, as well as making fake complaints about the deals that Complainant was completing. Respondent cleaned out Complainant's front desk, made him take out the trash, made him move cars, and perform other duties that Complainant could not make money at. Respondent's management constantly threatened Complainant's job for fake reasons. Additionally, Complainant was tripped, punched, and pushed by Respondent's co-employees and management. He was asked to buy "pills" and illegal drugs from management. The actions of the Respondent were taken because Complainant reported sex harassment. Respondent's actions were</p>			

EXHIBIT
A

intentional, retaliatory acts designed to get Complainant to quit. Complainant seeks compensatory damages and punitive damages under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

- II. On January 30, 2018, Complainant's manager required that Complainant go into the computer and change the date and language on a work verification letter. This practice has been done repeatedly at Respondent's business. This was a "set-up" -- immediately after doing what he was told to do, Complainant was called into the office and told he was being written up and that Complainant had broken a federal law. This is nothing more than a retaliatory set-up, because Respondent knew that Complainant was in the process of filing a Charge of Discrimination and because he hired a lawyer.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY - When necessary for State and Local Agency Requirements</p> <p><i>[Signature]</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>1/30/2018</u> <u><i>[Signature]</i></u></p> <p>Date Charging Party Signature</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p><i>[Signature]</i></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY</p> <p>(month, day, year) <u>01-30-2018</u></p> <p>LORI KAY KOLE Seal Notary Public - State of Indiana Allen County My Commission Expires Dec 20, 2024</p>

EEOC Form 161 (11/18)

Allen Superior Court 3
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Sean Heiman
2030 D River Run Trail
Fort Wayne, IN 46825From: Indianapolis District Office
101 West Ohio St
Suite 1900
Indianapolis, IN 46204On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

470-2018-01415

Frederick J. BruBaker,
Enforcement Supervisor

(317) 226-7350

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

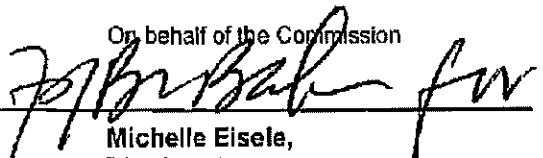
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible.

On behalf of the Commission


Michelle Eisele,
District Director

JUL 26 2018

(Date Mailed)

Enclosures(s)

cc: GROTE AUTOMOTIVE, INC.
c/o Scott Preston
JACKSON LEWIS P.C.
10 West Market Street
Suite 2400
Indianapolis, IN 46204Christopher Myers
CHRISTOPHER MYERS & ASSOCIATES
Law Offices
809 Calhoun Street, Suite 400
Fort Wayne, IN 46802

EXHIBIT

B

Allen Superior Court 3

CHRISTOPHER C. MYERS & ASSOCIATES

LAW OFFICES

809 S. Calhoun Street, Suite 400 • Fort Wayne, IN 46802
(260) 424-0600 • (260) 424-0712

COPY

CHRISTOPHER C. MYERS
ILENE M. SMITH
LORI W. JANSEN
DAVID W. FRANK
JENNIFER L. HITCHCOCK

cmyers@myers-law.com
ismith@myers-law.com
ljansen@myers-law.com
dfrank@myers-law.com
jhitchcock@myers-law.com

March 1, 2018

Sean M. Keefer, Commissioner
Indiana Department of Labor
Indiana Government Center, South
402 W. Washington Street, Room W195
Indianapolis, IN 46204

Re: Sean Heiman v. Grote Automotive

Dear Mr. Keefer:

I am an attorney in good standing. I have been requested by Sean Heiman to represent him in a wage claim/wage payment action pursuant to I.C. § 22-2-5-1 / § 22-2-9-1 *et. seq.* Please nominate, and approve, me as the attorney going forward to represent Mr. Heiman on his wage claim, the contents of which are attached hereto and made a part hereof.

Very truly yours,

CHRISTOPHER C. MYERS & ASSOCIATES



Christopher C. Myers

CCM/lkk

EXHIBIT

C



Application For Wage Claim
State Form 206W (R-1 / 2-99)
Indiana Department of Labor

Wage Claim # _____

Indiana Department of Labor
Wage and Hour Division
402 West Washington Street, W195
Indianapolis, IN 46204

Please type or print your response and be sure to answer all questions.

Employee		Employer	
Name	Sean Heiman	Name	Grote Automotive
Address	2030 River Run TRL. Apt B	Address	1630 N Coliseum Blvd
City	Fort Wayne	City	Fort Wayne
State, Zip	IN 46825	State, Zip	IN 46805
Telephone	(260) 615-3041	Telephone	(260) 422-5000
Amount of Claim	\$ 2,681.82	Length of Employment:	From 01/10/17 To 02/02/18
Address Where Work Was Performed: 1630 N Coliseum Blvd			
Reason for Leaving Employment: Terminated			
Reason Given For Non-Payment: No reason given.			
Wage Agreement:	Hourly \$	Salary \$	Commission \$ 893.94 Piece Rate \$
Type of Claim: Check box(es)	Minimum Wage Complaint	Non-Payment of Overtime	Non-Payment of Vacation Payroll Deduction Non-Payment of Paycheck(s)

INSTRUCTIONS:

- (1) Show, mathematically, how you calculated the amount of your claim
- (2) Be sure to list the dates of non-payment, including hours worked each day with beginning and ending times
- (3) Attach your supporting documentation behind this form

Car Sale Transactions	
Polito	\$359.00
Coleman	\$234.94
Yockey	\$200.00
Hogland	\$100.00
Total:	893.94 x 3 = \$2,681.82
Plus attorney fees & costs.	

Incomplete Forms

Any incomplete Application For Wage Claim will be returned to its sender in its entirety without any action taken from our Department.

Disclaimer

The Department of Labor has the right to reject this claim at any time if, in the judgement of the Commissioner of Labor, said claim is not valid and enforceable in the courts.

Declaration

I hereby certify under the penalty of perjury that the above statements are true and that I will testify to same before a court of law, if necessary to collect the amount due to me. Pursuant to IC 22-2-9-5, I hereby assign to the Commissioner of Labor all my rights, title and interest in and to the above certified claim for processing in accordance with the provisions of IC 22-2-9-1, et seq.

Signed

Sean Heiman

Dated

2/22/18

Date Received (Office Use Only)

I should be paid

Polito, Carlos
manes michelle - \$359.00

Coleman, Amanda - \$234.94

Yockey - \$200 ← could be more
flat rate
lowest they
could pay
me

AR \$185 charged

85 tax

\$100 David Hogland

75
+ 100

359
+ 234.94
+ 200
+ 100

= \$893.94

x 3

= \$2,681.82
They owe
me

Fired 2/2/18
@ Have not been
Paid my full
last check for
17 working days
x 3

1/3	19988	Cavio, Polito	(200)	228-5688	1,335.99/334	25/25 = \$250
1/5	19704	Craig, Cell	(411)	409-3145	649.30/200	25/25 = \$359.00
1/2	19451	Kenneth, Robertson	(260)	909-1731	955.54/200	25/25 = \$225
1/6	20098	Doye Stallings	(200)	435-0304		25/25 = \$200
1/8	20089	Holden, Ashley	(260)	449-6320		25/25 = \$225
1/12	20065	Parke, Eric	(260)	248-9854		25/25 = \$225
1/12	20144	Hughes, Charles	(571)	253-8142	54848.18/1212.0	25/25 = \$237.05
		Paulette, Santana				25/25 = \$218.25
1/13	20142	Amanda, Coleman	(260)	253-9048	839.76/209.94	25/25 = \$483.08
1/15	20074	Pegina, Corey	(260)	206-1222		25/25 = \$483.08
1/17	20164	Linda, Soule	(217)	300-2310		PAID
1/26	20174	Brandon, Yolkey	(260)	310-3827		
1/27	20310	Harley, Kayla	(260)	350-3193		

TYPE: P=Phone E=Email L=Letter M=Meeting

①

DOCUMENT GROVE AUTOMOTIVE INC DATE 1/26/18
CAP SHEET SEAN NEWMAN PAGE 1

Vehicle Sold: 1998A 2018 RAM 1500-1CERR6T81S01128
Origination Date 1/29/18
Buyer Information

POLETTI, CARLOS D HANES, MICHELE
606 W PARK AVE, TRLR 26 606 W PARK AVE, TRLR 26
HARTFORD CITY, IN 47348 HARTFORD CITY, IN 47348

H: 765-228-5689 H: 765-228-5689
W: 765-331-8000 W: 765-348-5009
HANES, 3894400, COM

Sales Commission

Unit	Split	Rate	Split	Unit Count	Total
Com	84.5	5	Split	Min	
Gross	11,335.99	25.00		200.00	334.00
Serv Cost				25.00	25.00
Total Comm					359.00

② \$593.94

Pay Held
Trade Title

Fired February
and Friday morning
@ 8:27 AM

Check Date	Customer	7193 Seas Helman' Commissions	Commission	Net	Net	Net	Net
01-12-18	20069-Duckett		804.51				
	19910-Hamander		225.00				
	19489-Gingrich		225.00				
	19451-Robertson		200.00				
	18840-Hammone		318.00				
	SUBTOTAL		1,484.51				
	<i>policy adjustments:</i>						
	18529-Santana	1209.31	289.83				
	19291-Millane	548.98	512.18				
	18797-Cephar	200	582.00				
	ref		1392.19				
	Time Card						
	12/5/2017	34.0	251.50				
	38.0		281.50				
	Min Wage		532.00				
	1/6/2018						
			500.00				
			5100.80				

Customer	Commission	Flat
20164-soule	225.00	
20174-Yockey		
20142-Coleman		
19986-Polito		
SUBTOTAL	225.00	
policy adjustments:	\$0.00	
	\$225.00	
Time Card		
reg	0.00	
	0.00	
Min Wage	\$0.00	

Check Date 02-9-18		7193 Sean Helman: Commissions
Customer:		Commission
20089-Heldeman		225.00
20174-Yockey	trade title bad	
20142-Coleman	trade title	
19566-Polite	trade title	
SUBTOTAL		225.00
policy adjustments:		
19561-DECK	6034040	-51.23
		\$12.81
Time Card		\$212.19
1/27/2018	reg	355.25
2/3/2018	49.0	5.00
	0.0	\$355.25
	Min Wages	

\$185.00
 AL
 10/25/18
 11/6/18
 10/25/18
 11/6/18
 10/25/18
 11/6/18

Allen County Court 3



STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL
302 WEST WASHINGTON STREET, IGCS 5TH FLOOR
INDIANAPOLIS, INDIANA 46204

CURTIS T. HILL, JR.
ATTORNEY GENERAL

March 16, 2018

Christopher C. Myers
Christopher C. Myers & Associates
809 South Calhoun, Ste. 400
Fort Wayne, Indiana 46802

**RE: Sean Heiman v. Grote Automotive
Wage Claim #18-16478
Amount: \$2,681.82**

Dear Mr. Christopher C. Myers:

I am writing in response to your request that the Office of the Attorney General provide you with authorization to pursue the claimant's wage claims in the above-referenced case. This Office has no objection to your pursuing such claims and, to the extent that it is authorized to refer the case to your office for action, hereby does so. No finding is made by the Office of the Attorney General as to any issues that might be construed as having been raised by this complaint.

You have represented that you are an attorney admitted to the practice of law in Indiana and in good standing. You have further represented that you have uncovered no conflicts of interest in the above-referenced matter. Thus, we are authorizing you pursuant to Indiana Code § 22-2-9-4 to represent the individual plaintiff in this action.

We ask only that you pursue the action diligently and report to us on the results. Feel free to contact me at (317) 232-6526 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rebecca L. Loeffler".

Rebecca L. Loeffler
Government Litigation Section Chief

cc: Rick J. Ruble, General Counsel, IDOL
cc: Patricia Orloff Erdmann, Chief Counsel for Litigation, OAG

EXHIBIT

D

WAGE CLAIM DISPUTE RESULTS

Instructions: Please print the requested information below and return the completed form to the Chief Operating Officer of the Office of the Attorney General. You may either submit your form electronically to coo@atg.state.in.us or you may submit your form via US mail or fax to:

Chief Operating Officer
Office of the Attorney General
Indiana Government Center South, Fifth Floor
402 West Washington Street
Indianapolis, IN 46204-2770
Fax: 317.232.7979
Email: coo@atg.state.in.us

Wage Claim # (from DOL): 18-16478

Claimant's Name: Sean Heiman

Claimant's Address: 2030 River Run Trl. Apt D, Fort Wayne, IN 46825

Claimant's Attorney Name: Christopher C. Myers / Christopher C. Myers & Associates

Attorney's Business Address: 809 South Calhoun, Ste. 400, Fort Wayne, Indiana 46802

County: _____

Attorney's Business Telephone Number: _____

Attorney's Email: _____

Attorney's Fax: _____

Employer (Defendant): _____

Employer's Address: _____

Amount of Claim: _____

Recovery Amount: _____

Date of Recovery: _____

Attorney's Fees Awarded: _____

Attorney's Signature: _____

Printed Name: _____



Application For Wage Claim

State Form 2069 (R4 / 2-99)
Indiana Department of Labor

Wage Claim #

18-16478

Indiana Department of Labor
Wage and Hour Division
402 West Washington Street, W195
Indianapolis, IN 46204

(Please type or print your response and be sure to answer all questions)

Employee		Employer	
Name	Sean Heiman	Name	Grote Automotive
Address	2030 River Run TRL. Apt D	Address	1630 N Coliseum Blvd
City	Fort Wayne	City	Fort Wayne
State, Zip	IN 46825	State, Zip	IN, 46805
Telephone	(260) 615-3041	Telephone	(260) 422-5000
Amount of Claim	\$2,681.82	Length of Employment:	From 01/10/17 To 02/02/18
Address Where Work Was Performed: 1630 N Coliseum Blvd			
Reason for Leaving Employment: Terminated			
Reason Given For Non-Payment: No reason given.			
Wage Agreement:	Hourly \$	Salary \$	Commission \$893.94 Piece Rate \$
Type of Claim: Check box(s)	<input type="checkbox"/> Minimum Wage Complaint	<input type="checkbox"/> Non-Payment of Overtime	<input type="checkbox"/> Non-Payment of Vacation
		<input type="checkbox"/> Payroll Deduction	<input checked="" type="checkbox"/> Non-Payment of Paycheck(s)

INSTRUCTIONS:

- (1) Show, mathematically, how you calculated the amount of your claim
- (2) Be sure to list the dates of non-payment, including hours worked each day with beginning and ending times
- (3) Attach your supporting documentation behind this form

Car Sale Transactions	
Polito	\$359.00
Coleman	\$234.94
Yockey	\$200.00
Hogland	\$100.00
Total: $893.94 \times 3 = \$2,681.82$	
Plus attorney fees + costs.	

Incomplete Forms

Any incomplete Application For Wage Claim will be returned to its sender in its entirety without any action taken from our Department.

Disclaimer

The Department of Labor has the right to reject this claim at any time if, in the judgment of the Commissioner of Labor, said claim is not valid and enforceable in the courts.

Declaration

I hereby certify under the penalty of perjury that the above statements are true and that I will testify to same before a court of law, if necessary to collect the amount due to me. Pursuant to IC 22-2-9-5, I hereby assign to the Commissioner of Labor all my rights, title and interest in and to the above certified claim for processing in accordance with the provisions of IC 22-2-9-1, et seq.

Signed

Sean Heiman

Dated

2/22/18

Date Received (Office Use Only)

JAN 05 2018